

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FERNANDO LOPEZ, ADOLFO LOPEZ, VENANCIO
GALINDO, and GIL SANTIAGO,

Plaintiffs,

-against-

FLOR DE MAYO, INC.; PHILLIP CHU;
DENNIS CHU and JOSE CHU,

Defendants.

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450 Lexington Avenue
New York, New York

January 16, 2008
10:00 a.m.

DEPOSITION of DENNIS P. CHU,
taken by the Plaintiffs pursuant to
Notice, held at the aforementioned time
and place, before Sherri Flagg, a
Registered Professional Reporter and
Notary Public.

* * *

1 - D. CHU -

2 do, make sure every -- you know, tell me
3 what to do and I have to learn from him
4 and tell -- make sure every -- I guess
5 the whole business was operating right.

6 Q. So he acted as the manager of
7 the restaurant during that time?

8 A. Yes.

9 Q. And did he share those
10 responsibilities with Jose?

11 A. Jose has to listen to him.

12 Q. Okay. So he oversaw everybody
13 at 484 Amsterdam?

14 A. Yes.

15 Q. Did he serve the same function
16 at 2651 Broadway?

17 A. When?

18 Q. Say, three to five years ago.

19 MR. BYRNES: I'm going to
20 object to the question and direct
21 the witness not to answer. As far
22 as I can tell at this point, the
23 other restaurant which is owned by
24 another entity is not part of this
25 lawsuit. And questions -- I don't

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2 mind questions that deal with
3 foundational issues but going to
4 the practices and policies of that
5 restaurant, I'm objecting on that
6 grounds.

7 MR. MILLER: Well, as we made
8 clear to you before, we are
9 considering adding the other
10 restaurant and the other corporate
11 entity as a Defendant --

12 MR. BYRNES: Understood.

13 MR. MILLER: -- in this case.
14 And unless -- I believe under the
15 Federal Rules, the witness can only
16 be instructed not to answer unless
17 you're asserting a claim of
18 privilege or enforcing a protective
19 order.

20 MR. BYRNES: Well, I'm taking a
21 position that to the extent that
22 there is no party, which is party
23 to this lawsuit, and questions are
24 being asked about that party, I'm
25 going to instruct the witness not

1 - D. CHU -

2 to answer. You know, you have your
3 options, of course. I'm not going
4 to tell you what to do. But that's
5 what I'm doing.

6 MR. MILLER: I mean, if that is
7 -- if that's the way that you wish
8 to proceed, that you don't want the
9 Defendant to answer these types of
10 questions, you know, we will be
11 forced to, you know, add the
12 corporate Defendant, the
13 corporation Cho Familia Dynastia,
14 as a Defendant and then, you know,
15 reopen discovery to explore these
16 issues rather than answer the
17 questions at this time.

18 MR. BYRNES: You do have that
19 option, Counsel.

20 MR. MILLER: Okay.

21 BY MR. MILLER (continuing):

22 Q. What are the hours of operation
23 for 484 Amsterdam?

24 A. 12 to 12.

25 Q. And is delivery available the